REMARKS

In the Office Action dated February 24, 2009, claims 1, 3, 4, 14, 16, 17, 19, 21-23, 25-29, and 32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,127,532 issued to Cimino et al. (hereinafter "the Cimino patent") in view of U.S. Patent No. 6,406,227 issued to Titus et al. (hereinafter "the Titus patent"). Claims 5-13, 15, 18, 30, 31, 33, and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cimino and Titus in further view of U.S. Patent No. 6,711,557 issued to Palaniappan (hereinafter "the Palaniappan patent"). Claim 24 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the Cimino and Titus patents in view of U.S. Patent No. 6,065,911 (hereinafter "the Almblad patent"). Applicants respectfully traverse this rejection.

INTERVIEW SUMMARY OF NOVEMBER 13, 2008

As previously stated in the prior filed RCE, Applicant had a teleconference with Examiner Becker on November 13, 2008, to discuss the outstanding final rejection. In that discussion, Applicant and Examiner Becker discussed the background of the invention, the status of the pending claims, and the references used to currently reject the claims. And while Applicant believes that the pending claims were literally distinguishable over the Cimino reference, Examiner Becker was gracious in suggesting that only clarification to the existing claim language may be necessary to overcome the outstanding rejections.

As such, amendments to both independent claims were developed as discussed with Examiner Becker on November 13 and submitted for discussion. Examiner Becker's helpfulness in discussing the claim language and assisting in crafting much of the language used to clarify claims 1 and 19 in view of the known prior art, particularly the Cimino reference, was greatly

appreciated. Therefore, based upon the several discussions with Examiner Becker, amendments were presented to independent claims 1 and 19 clarifying that the graphical user interface has a plurality of input fields for the input of a specified variable, where at least one input field requests the input of the intended use of an object as the specified variable.

COMMENTS

Based upon the November 13 interview and the outstanding rejection, Applicants do not fully understand the current rejection. In the November 13 interview, Counsel and the Examiner discussed the amendments presented in specific relation to the Cimino patent. And while Counsel's position has been and continues to be that the claims were literally distinguishable from the cited art, in order to further prosecution, Counsel accepted the amendment proposals suggested by the Examiner. And while Counsel fully appreciates that suggested amendments are not guaranteed for allowance, the spirit of those amendments appears to be lost based upon the Examiner's current statement of rejection.

It is Counsel's intention to provide an explanation of the references as was discussed in the November 13 interview and as recited throughout the history of this case. It is Counsel's hope that these explanations will refresh the Examiner's recollection regarding the reasoning for the proposed amendments and lead a withdrawal of the outstanding rejections and an allowance of the pending claims.

THE CIMINO PATENT

The Cimino patent is directed to an automatic key identification system. That system utilizes a lighting system 31 and camera 50 to produce a tip view of a master key. The device

also utilizes a holder 10 that uses dowels 17 and springs 21 to hold the key horizontal with the sides in a vertical position. A computer takes the camera image and compares that image against the stored images of known key blanks to determine the proper key blank for the cutting procedure.

As previously stated in the several previous Office Action Responses, and as discussed in the interview with the Examiner, the current invention is distinguishable over the Cimino patent for numerous reasons. An explanation of the reasoning for the previous amendments are provided in detail below against the then pending claim 1.

Claim 1: An interactive object identification system comprising:

user interface means for <u>manually</u> inputting at least one specified variable related to a first object<u> into at least one input field of a plurality of input fields, wherein at least one of</u> <u>said plurality of input fields requests at least one specified variable as an identification of an</u> <u>intended use of said object,</u> said specified variable being physically observed based upon a visual inspection of the object by a user of the system;

database means for identifying a master object through comparison of known values against the specified variable; and
a display rack for holding a physical set of master objects and an indicator for distinguishing the identified master object from the physical set of master objects.

The amendments provided above were suggested by the Examiner and thoroughly discussed prior to submission with the RCE. And while Counsel attempted to argue that the claims as previously presented were distinguishable over the Cimino Patent, in order to further the prosecution, Counsel discussed and agreed to the amendments above. However, based upon the explanation provided in the current rejection, it appears that the Examiner has either reconsidered and now disagrees with her prior suggested amendments or does not recollect the spirit of those amendments. It is Counsel's hope that the below detailed description will refresh

the Examiner's recollection and the current rejections will be withdrawn.

Initially, the Examiner and Counsel agreed that Cimino and Applicant's disclosed invention are directed to identification systems. The Examiner argued that the Cimino patent included all of the elements of claim 1, including a user interface means, database means, and a display. However, Counsel argued that at least the user interface element was clearly distinguishable from the Cimino patent based upon a visual inspection by the user of the system.

Much discussion was had regarding this limitation. Specifically, Counsel pointed out that the user of its invention must use their own eyes to visually inspect an object and input that information into a database. Conversely, Cimino requires a camera system to inspect an object and that the camera system inputs that information into the system. Counsel argued that these were literally distinct limitations that would clearly overcome the Cimino reference. While the Examiner indicated that she understood the arguments, she requested additional limitations to further distinguish claim 1 over Cimino. Those added limitation are identified above and discussed herein.

The Examiner suggested identifying a plurality of "input fields" as a further distinguishing limitation because Cimino disclosed no such fields and Applicant's disclosure at paragraph [0056] disclosed such fields. Counsel was originally tentative regarding such a limitation but the language provided was negotiated and agreed to. Further, the Examiner suggested that claim 1 specifically described one such field for even further clarification. Counsel suggested that the "intended use" field be claimed and that limitation was agreed to. Finally, the Examiner requested that Applicant include the word "manually" to describe that the information input into the system was done by the user of the system as opposed to the camera system. Again Counsel obliged the suggestion.

Now the Examiner argues that Cimino teaches "user interface means for manually inputting at least one specified variable related to a first object into at least one input field of a plurality of input fields, wherein at least one of said plurality of input fields requests at least one

<u>specified variable</u> and that Titus discloses a field identifying the intended use. Based upon the above description, the Examiner's arguments are not clear.

Initially, Applicant objects because there is no statement in Titus at Column 18, lines 4-57, or anywhere else in the Titus patent directed to manually inputting into a user interface field information related to the intended use of an object. Column 18, lines 4-44 discusses illuminating the profile of a key. There is no statement regarding the intended use of the key. Column 18, lines 45-57 discusses determining the keyway profile by reading the key code. Presumably, the Examiner believes that the key code somehow identifies the intended use of the key, which is simply not the case. The key code is a group of numbers where each digit corresponds to a different cut or notch on the key and represents the depth at which the key must be cut.

Therefore, neither the Cimino reference alone nor the Titus reference in combination discloses the invention as recited in claim 1. As such, all rejections based upon the combination of Cimino and Titus are unsupported and should be withdrawn.

Further, the Cimino reference does not disclose a "user interface means for <u>manually inputting at least one specified variable related to a first object into at least one input field of a plurality of input fields, wherein at least one of said plurality of input fields requests at least one specified variable as an identification of an intended use of said object,</u> said specified variable being physically observed based upon a visual inspection of the object by a user of the system".

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The Examiner now argues that the "lensing system illuminates the front of the key to form a cross-sectional image for the video system to convert to a digital image as the cross-sectional image taken is the manual input of the first object." This objection now backtracks on the spirit of the initial "manually" amendment. Again, Applicant concedes that Cimino is inputting data into a computer. Applicant again concedes that the data is visual information. however, that visual information is <u>not</u> information based upon an <u>individual's</u> visual inspection nor is that information then manually input into the system by the individual. Those amendments were suggested by the Examiner and approved by the Applicant in the spirit of overcoming the Cimino reference. It is Applicant's contention that those amendments still
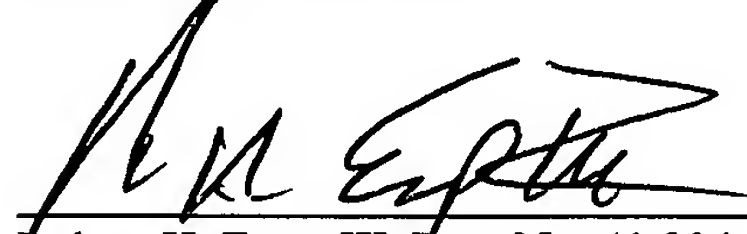
explicitly distinguish claim 1 from Cimino and that there is no ambiguity in the language or the intent of the amendments, especially considered the detailed explanation herein.

Further, Cimino does not disclose "a plurality of input fields". Cimino is inputting an image into a database that is compared against other stored images. Other than the input of this image, there is not other input disclosed or suggested in Cimino. Therefore, claim 1 continues to be literally distinguishable over the Cimino reference.

Conclusion

Therefore, based upon the above, all rejects based upon the combination of Cimino and Titus are untenable and should be withdrawn. Applicants respectfully submit that the application is now in condition for allowance. However, should the Examiner disagree, given the length of time this application has been pending and the on-going back-and-forth that has taken place, Counsel suggests another teleconference to finalize the matter or prepare this matter for appeal.

Respectfully submitted,

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